

Testimony Before the House Health Policy Committee on House Bills 6016-6023

by Betty Chu, MD

May 23, 2018

Thank you Mr. Chairman and members of the committee for the opportunity to speak to you today. My name is Betty Chu. I am an obstetrician/gynecologist practicing in southeast Michigan and the current President of the Michigan State Medical Society. Collectively, MSMS represents 15,000 physicians serving millions of patients statewide.

The Medical Society has extensive policy on HIV and infectious diseases, including support for the establishment and utilization of guidelines for routine HIV testing in medical settings and elimination of informed consent for HIV testing. In addition, the MSMS House of Delegates, our policy-making body, recently approved policy that supports updating Michigan's criminal statutes pertaining to HIV to incorporate three guiding principles: 1) based on criminal intent to infect and conduct likely to transmit; 2) punishment that is proportionate to harm; and 3) avoid creation of new crimes or increased penalties for any disease and exclude diseases that are airborne/casually transmitted.

We are pleased to lend our support for the package of bills you have in front of you today that seek to modernize our state laws regarding HIV. As many of you know, several of our state laws were passed when there was no effective treatment for HIV and discrimination against people living with HIV was pervasive across the country. HIV was not well understood by the public nor the medical community and, as a result, fear rather than evidence drove policy-making.

The bills before you today seek to correct some of the unintended consequences resulting from current, outdated laws, including:

- removing references to outdated tests that are no longer recommended;
- aligning state and local health department reporting timeframes with current practices;

- removing requirements that are burdensome to the health care industry and consequently discourage routine HIV testing;
- breaking down barriers that currently prevent medical providers from sharing critical health information;
- aligning state statutes around testing with national guidelines to protect vulnerable populations; as well as
- modifying and reducing sanctions that unfairly target and criminalize people living with HIV

As a practicing obstetrician/gynecologist, I would like to particularly speak to the importance of House Bill 6022, introduced by my friend and fellow physician, Representative John Bizon. As you know the bill would include a third trimester testing requirement for HIV, syphilis and hepatitis B in accordance with state and federal guidelines.

Since the first case of pediatric HIV infection was documented in 1984, there have been tremendous medical and public health achievements in preventing mother-to-child transmission of HIV. When the recommended antiretroviral and obstetric interventions are used, a woman who knows of her HIV infection early in pregnancy now has a less than 1% chance of delivering an HIV-infected infant. Without intervention, this risk is approximately 25% in the United States.¹ Michigan laws already requires HIV screening during the initial examination of pregnant woman. This bill adds a third trimester testing requirement for the purposes of bringing the state into alignment with guidelines and preventing infection of babies.

Updating our laws to reflect current medical guidelines and practice makes sense. But perhaps most importantly, these bills represent a sensible approach to reducing stigma associated with HIV, which will help the state and the health care community address the disease like any other infectious disease and ensure those living with HIV are treated

¹ Centers for Disease Control and Prevention. (2010). *Rapid HIV Testing of Women in Labor and Delivery*. Retrieved from: <https://www.cdc.gov/hiv/testing/clinical/women.html>



120 West Saginaw Street | East Lansing, Michigan 48823
517-337-1351 | msms@msms.org | www.msms.org

as patients rather than criminals. This is an important step, especially for communities disproportionately impacted by HIV.

We commend the Department of Health and Human Services and the legislature for these proactive efforts to modernize our HIV laws. We welcome ongoing dialogue and engagement on any issues that may have not been addressed in these bills. The Michigan State Medical Society values our continued partnership to make Michigan a nationwide leader in public health.

